

## APPENDIX.

### SEISIN AS DISCUSSED BY MR. HOLDSWORTH.

"Seisin is still *prima facie* evidence of ownership. The best right to seisin is still the only form of ownership recognized by English law. 'The standing proof that English law regards, and has always regarded, possession as a substantive root of title, is the standing usage of English lawyers and landowners with very few exceptions there is only one way in which an apparent owner of English land who is minded to deal with it can show his right so to do: and that way is to show that he and those through whom he claims have possessed the land for a time sufficient to exclude any reasonable probability of a superior adverse claim'. The earliest statute of limitations did not confer ownership on the person seised. In so far as it applied to corporeal hereditaments it simply barred the action of the person who might otherwise have had a better right to seisin. Even our present statutes content themselves with barring and extinguishing the right of the person who would otherwise have a better right to get seisin. They do not confer a title upon the person seised. A system of *usucapio* which by lapse of time turns *possessio* into *dominium* would be unnecessary and indeed unintelligible. All the law need do when it wishes to secure the rights of those seised against those who have a better right to seisin is to bar the better right. If they are seised, and if the titles of those with a better right to seisin are barred, they have the best titles which the law can give; and the fact that this is the principle underlying these statutes of limitation—a truth long since understood by the few students who cared to study the history of the law—has recently been stated by the Court of Appeal."

He cites:

Dalton v. Fitzgerald (1897) 2 Ch. 86

3 Holdsworth History of English Law 93-94.

on 95 he says:

"The law protects seisin because the person seised is owner till some one else proves a better right

to seisin; and therefore to ask why the law protects seisin amounts to asking why the law protects ownership."

(Is it not sound to say that all title rests on possession complemented by a lapse of time?)